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29 *Attorneys for Defendants C. R. Bard, Inc. and*
30 *Bard Peripheral Vascular, Inc.*

31 UNITED STATES DISTRICT COURT

32 DISTRICT OF ARIZONA

33 IN RE: Bard IVC Filters Products
34 Liability Litigation,

35 No. 2:15-MD-02641-DGC

36 **THE PARTIES' JOINT REPORT
37 ON THE SETTLEMENT STATUS
38 OF CASES**

1 Pursuant to Case Management Order No. 42 (Doc. 164343), the parties submit this
 2 monthly report concerning the settlement status of cases pending in this MDL:

3 **I. TRACK 1 CASES**

4 On July 26th, the parties provided the Court with a list of cases that have been
 5 resolved in principle pursuant to an executed release or term sheet (Doc. 19798-1). The
 6 following case was listed erroneously on Track 1 and should be moved to Track 3:

- 7 • Justin Peterson v. C. R. Bard, Inc., et al, Civil Action No. CV-16-00774-PHX-DGC

8 For the balance of the cases on Track 1 the parties are continuing their efforts to
 9 finalize the settlements and the parties have begun filing dismissals.

10 **II. TRACK 2 CASES**

11 On July 26th, the parties provided the Court with a list of cases that are the subject
 12 of substantive settlement negotiations, with a likelihood of ultimately settling (Doc. 19798-
 13 2). On September 24, 2019, the parties filed their Joint Report on the Settlement Status of
 14 Cases (Doc. 200061) with a list of cases from Track 2 that should be moved to Track 3.
 15 Since the last status report, no other cases presently in Track 2 have been designated to
 16 move to Track 3.

17 Settlement discussions are continuing in the remaining cases previously identified in
 18 Track 2. Since the date of the last report, the Defendants' attorneys have continued to
 19 collect and review medical records for cases that are currently in Track 2, and have had
 20 meetings and discussions with multiple attorneys representing the Plaintiffs. Those
 21 discussions are ongoing, and the parties remain hopeful that many – if not all – of those
 22 cases will ultimately be settled before November 1, 2019, when all cases for which neither
 23 a release nor term sheet has been executed will be recommended to the JPML for remand
 24 or will be transferred under §1404(a) in accordance with CMO No. 42 .

25 **III. TRACK 3 CASES**

26 In Case Management Order No. 42, the Court stated that “[a]ny case in either track
 27 may be removed from the track and from this MDL upon counsel for either side concluding
 28 that further settlement efforts in the case are not warranted.” (Doc. 16343 at 6). Counsel

1 for one or both sides has made that determination regarding the single case (Peterson)
2 identified above.

3 The Defendants also request that the remand/transfer order for these cases
4 specifically preserve their right to challenge venue and personal jurisdiction upon remand,
5 as the Court did in the previous remand/transfer order (Doc. 19899).

6 Respectfully submitted, this 1st day of October, 2019.

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19 Peripheral Vascular, Inc.

21 **CERTIFICATE OF SERVICE**

22 I hereby certify that on October 1, 2019, the foregoing was electronically filed with
23 the Clerk of Court using the CM/ECF system which will automatically send email
24 notification of such filing to all attorneys of record.

25 /s/ Richard B. North
26

